



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Marilyn Librers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Marilyn Librers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, APRIL 7, 2010

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

Proclaim April 2010 as Sexual Assault Awareness Month

CITY COUNCIL REPORTS

Mayor Tate

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Update on current issues that affect City of Morgan Hill and Santa Clara Valley Water District
 joint constituencies

Richard P. Santos, Chair, Santa Clara Valley Water District

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-6 Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. Adopt Ordinance No. 1969 New Series, an Ordinance of the City Council of the City of Morgan Hill Approving Development Agreement Application DAA 04-08E: Tilton-Glenrock Recommending a 12-Month Extension of the FY 2006-07 Allocations, 18-Month Extension of the FY 2007-08 Allocations and a 30-Month Extension of the FY 2008-09 Allocations, Re-Incorporating the Development Schedule and Other Minor Modification to Paragraphs 14 and 18 of the Development Agreement. (APNs 817-11-067 and 817-11-072)1-26
RECOMMENDED ACTION(S):Waive the reading, and **Adopt** Ordinance No. 1969 New Series, and **Declare** that said Title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

2. Adopt Ordinance No. 1970 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending Chapter 18.43 [Seismic Combining District] (in its entirety), Amending Chapter 18.45 [Geologic Combining District] (in its entirety), Amending Section 18.64.020 [Appealable Actions—to Planning Commission] and Amending Section 18.74.060 [Sensitive Sites—Designated]27-50
RECOMMENDED ACTION(S): Waive the reading, and **Adopt** Ordinance No. 1970 New Series, and **Declare** that said Title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

3. **Adopt Ordinance No. 1971 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending Chapter 5.04 (Business Taxes Licenses and Regulations) and Section 1.24.010 (Violations Deemed a Misdemeanor – Penalty) of the Municipal Code of the City of Morgan Hill to Clarify Business Licenses Tax, Fee and Other Requirements, Specify that Violations are Misdemeanors, Modify Appeal Process and Modernize Languages**51-72
RECOMMENDED ACTION(S): **Waive** the reading, and **Adopt** Ordinance No. 1971 New Series, and **Declare** that said Title, which appears on the agenda, shall be determined to have been read by title and further reading waived.
4. **Resolution Supporting TDA Article 3 Grant Funding for the West Little Llagas Creek Trail Project**73-80
Recommended Action(s): **Approve** the attached Resolution supporting the City’s 2010/11 TDA Article 3 Grant funding project for \$215,000 to construct a Class I bike/pedestrian trail adjacent to West Little Llagas Creek, between Edes Court and Spring Avenue.
5. **City Bike Map Update – for Information Only**81-84
Recommended Action(s): **Information** only.
6. **Potential New Fees to Support City Ordinances and Stormwater Regulatory Activities**85-88
Recommended Action(s):
 1. **Direct** staff to develop a fee study that analyzes the legal basis for the fees and the appropriate fee amount; and
 2. **Authorize** the City Manager to execute a contract amendment with Willdan in the amount of \$2,880 to include additional fees in the fee study they are performing for the City.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 7

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

7. **Acceptance of Third Street –Monterey Interim Public Parking Lot**89-94
Recommended Action(s):
 1. **Accept** as complete the Third Street-Monterey Interim Public Parking Lot Project in the final amount of \$113,716.08; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder’s office.

City Council Action

PUBLIC HEARINGS:

ITEMS 8-9

	Time Estimate		Page
8.	10 Minutes	<u>Zoning Amendment, ZA-09-12: Amending Morgan Hill Municipal Code Chapter 18.02 and 18.74 Regarding Public Hearing Requirements for Design Permits and Amending Morgan Hill Municipal Code Chapter 18.54 Regarding Elimination of Temporary Use Permit Requirements</u> 95-106 <u>Recommended Action(s)</u> 1. <u>Open</u> /close public hearing; and 2. <u>Waive</u> the first and second reading of Ordinance; and 3. <u>Introduce</u> Ordinance.	
9.	10 Minutes	<u>Annexation and Zoning Amendment Applications: ANX-09-01 & ZA-09-11: Shady Lane-Hanson (APN 729-29-017)</u> 107-138 <u>Recommended Action(s)</u> 1. <u>Open</u> /close public hearing; and 2. <u>Approve</u> Mitigated Negative Declaration & MMRP; and 3. <u>Introduce</u> Ordinance Pre-zoning Parcel; and 4. <u>Waive</u> the first and second reading of ordinance; and 5. <u>Approve</u> Resolution Annexing Parcel.	

City Council Action

OTHER BUSINESS:

ITEMS 10-14

	Time Estimate		Page
10.	5 Minutes	<u>2009 Annual Consumer Confidence Report Regarding Water Quality</u> 139-144 <u>Recommended Action(s):</u> For Council information only.	
11.	15 Minutes	<u>California High Speed Rail Update</u> 145-160 <u>Recommended Action(s): Direct</u> staff to review the revised Draft EIR and recommend a complete visual analysis be included in the Programmatic and Project EIRs to evaluate the aesthetics and visual impacts of the aerial track structures adjacent to the UPRR right-of-way and the alternate HST alignments next to Highway 101.	
12.	40 Minutes	<u>Project Description for the Southeast Quadrant and Agricultural Policies General Plan Amendment EIR</u> 161-190 <u>Recommended Action(s): Accept</u> refined project description for Southeast Quadrant (SEQ) and Agricultural Policies General Plan Amendment Environmental Impact Report (EIR), including assumptions for land uses and proposed agricultural mitigation and preservation.	

12 Supplemental 01

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| 13. | 15 Minutes | <u>Action on Residential Development Control System (RDCS) Competition Second Year Phasing Requests</u>191-200
Recommended Action(s): Adopt Resolution approving second year residential building allotments into fiscal year 2012-13 for two projects. |
| 14. | 15 Minutes | <u>Residential Development Control System (RDCS) Implementation Policy Regarding Multi-Family Rental Projects</u>201-224
Recommended Action(s): Adopt Resolution amending RDCS Implementation policies.
<u>14 Supplemental 01</u> |

Redevelopment Agency Action

OTHER BUSINESS:

ITEMS 15

- | | Time Estimate | | Page |
|-----|---------------|---|------|
| 15. | 5 Minutes | <u>Process for Determining Inclusion of Roadway Gap Projects in Capital Improvement Program (CIP)</u>225-238
Recommended Action(s):
1. Approve staff recommended community engagement plan for proposed Santa Teresa roadway gap project and return to Council with recommendation to proceed or not proceed with project at this time; and
2. Approve acceleration of Butterfield Blvd. north extension project. | |

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution No. 6304
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	Arcadia Development Company v. City of Morgan Hill
Case Number:	Santa Clara County Superior Court Case No. 104-CV-020598
Attendees:	City Manager; City Attorney

Redevelopment Agency Action

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority:	Government Code 54956.8
Property:	APN 767-12-006; 270 West Dunne Avenue, Morgan Hill
Negotiating Parties:	
Agency:	Executive Director, Agency Counsel
Property Owner:	Francis V. Borello and Ruth Borello, Trustees of the Francis V. Borello and Ruth Borello Revocable Living Trust
Under Negotiation:	Price and Terms of Payment

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next

appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.